THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 6828 OF 2007

Dated 17th July, 2007

Between:

Lingam Soma Sundar Rao

…Petitioner

And

Vice-Chairman, Visakhapatnam Urban
Development Authority, Udyog Bhavan,
Siripuram Junction, Visakhapatnam and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration that the action of the first respondent in interfering with the peaceful possession and enjoyment of the petitioner over the land in an extent of Ac.3.60 cts. covered by Survey No. 368/3 of Madhurawada, Visakhapatnam Rural, Visakhapatnam as arbitrary and illegal.

It is the case of the petitioner that he was in possession of the subject land by virtue of settlement patta granted to him in Survey No.330/B-2, which was classified as Zeroythi lands. But, however, subsequently, revision survey was conducted and Survey No.330 was renumbered and on the request of the petitioner for grant of patta with the new survey number incorporated therein, the petitioner, by mistake, was issued with a D-Form patta instead of settlement patta. Further, when the possession and enjoyment of the subject land by the petitioner was interfered with on the condition of violation of conditions of patta, petitioner and four others earlier filed Writ Petition No.5510 of 2004, wherein, orders of status quo were passed by this Honourable Court. In the said writ petition counter-affidavit was filed stating that the very issuance of an assignment patta under the scheme meant for landless poor was a mistake and the said assignment was cancelled and the subject land was handed over to Visakhapatnam Urban Development Authority, which had subsequently restored the land to the petitioner based on the settlement patta. It is the grievance of the petitioner that in spite of the same, there is interference by the first respondent.

Though no counter affidavit is filed, but the learned Standing

Counsel for the Visakhapatnam Urban Development Authority submits that earlier possession was handed over by the Government to it. But, however, subsequently, after settlement records were verified, the possession was taken back by the Government and the same was restored to the petitioner and he is in possession of the land in question. It is further submitted that there is no interference by the first respondent.

As much as now it is stated that the land which was taken possession earlier was already taken back by the Mandal Revenue Officer from Visakhapatnam Urban Development Authority and the same was in turn handed over to the petitioner, and, as his entitlement to its possession is not in dispute, I dispose of the writ petition placing the submission of the learned counsel for the first respondent on record that there is no interference with the land of the petitioner in an extent of Ac.3.60 cents situated in Survey No.368/3 of Madhurawada, Visakhapatnam Rural, Visakhapatnam.

The writ petition is disposed of accordingly. No costs.

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17-7-2007

R.SUBHASH REDDY, J.

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